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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,145

09/30/2003

Jerry A. Overton

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EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,145

Applicant(s)

OVERTON, JERRY A.

Examiner

Nghi H. Ly

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 11-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 2003/0060211A1) in view of Pines et al (US 6,970,548).

Regarding claims 1 and 12, Chern teaches a method comprising: maintaining a set of data that correlates data-references with location (see Abstract), wherein each data reference points to respective data (see [0006] to [0009]), receiving from a device a request for context-based data (see [0051]), determining a current location of the device (also [0027]), querying the set of data to uncover at least one data-reference that the set of data correlates with the current location of the device (see [0027]), acquiring

data to which the at least one data-reference points (see [0038]), and sending the acquired data to the device in response to the request (see [0051]).

Chern does not specifically disclose device capability information, determining one or more capabilities of the device, and the one or more capabilities of the device.

Pines teaches device capability information (see column 26, lines 31-53, see "capabilities", "voice format" and "text format"), determining one or more capabilities of the device (also see column 26, lines 31-53, see "capabilities", "voice format" and "text format"), and the one or more capabilities of the device (also see column 26, lines 31-53, see "capabilities", "voice format" and "text format").

Chern and Pines, after combined, does indeed teach both (i) location and (ii) device capability information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pines into the system of Chern in order to provide a system and method which provides wireless directory and other information assistance services (see Pines, column 1, lines 14-18).

Regarding claim 2, Chern further teaches a wireless carrier performing the method (see fig.1, wireless connection between item 112 and item100).

Regarding claim 3, Chern further teaches receiving the request comprises receiving the request via a radio frequency air interface, and wherein sending the acquired data comprises sending the acquired data via the radio frequency air interface (see [0051]).

Art Unit: 2617

Regarding claims 4 and 14, Chern further teaches the device comprises a mobile station (see fig.1, item 100).

Regarding claims 6 and 16, Chern further teaches determining the current location of the device comprises querying a location-determination system (see [0027]).

Regarding claim 7, Chern further teaches determining the current location of the device comprises reading an indication of the current location from the request (see Abstract and [0027]).

Regarding claims 8 and 17, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose querying a device capabilities store to determine the one or more capabilities of the device. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Chern and Pines for providing a method as claimed, for querying the device capabilities store.

Regarding claim 9, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose determining the one or more capabilities of the device comprises determining a make and model of the device, wherein the make and model inherently defines certain device capabilities. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Chern and Pines for providing a method as claimed, for determining the one or more capabilities of the device.

Regarding claim 11, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose generating the set of data by a process comprising computing at least one Cartesian product of (i) a measure of geographic location and (ii) one of the data references. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Chern and Pines for providing a method as claimed, for generating a set of data.

Regarding claim 13, Chern further teaches a radio access network through which the request passes from the device to the network server (see fig.2, item 140), and through which the acquired data passes from the network server to the device (see fig.2, item 140).

Regarding claim 19, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose the network server comprises a portal server. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Chern and Pines for providing a method as claimed, for transmitting a portal page.

Regarding claim 20, Chern further teaches the network server is operated by a carrier that provides the device with an access channel (see fig.1, wireless channel between item 112 and item 100).

4. Claims 5, 10, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 2003/0060211A1) in view of Pines et al (US 6,970,548) and further in view of Rossmann (US 6,625,447).

Regarding claims 5 and 15, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose the request comprises an HTTP request.

Rossmann teaches disclose the request comprises an HTTP request (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Chern and Pines in order to provide two-way data communication device utilizes a client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

Regarding claims 10 and 18, the combination of Chern and Pines teaches claims 1 and 12. The combination of Chern and Pines does not specifically disclose the data-references comprise uniform resource identifiers ("URIs"), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference.

Rossmann teaches the data-references comprise uniform resource identifiers ("URIs") (see column 37, lines 13-15), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Chern and Pines in order to provide two-way data communication device utilizes a client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

Response to Arguments

5. Applicant's arguments filed 04/09/07 have been fully considered but they are not persuasive.

On page 8 of applicant's remarks, applicant argues that the combination of Chern and Pines does not teach all limitation of claims 1 and 12.

In response, the combination of Chern and Pines does indeed teach all limitation of claims 1 and 12. In addition, applicant's attention is directed to the teaching of Chern and Pines in claims 1 and 12 above.

On pages 8 and 9 of applicant's remarks, applicant argues that the combination of Chern and Pines fails to teach two elements of Applicant's independent claims: (i) maintaining "a set of data that correlates data-references with..., device capability information" and (ii) "querying a set of data to uncover at least one data-reference that the set of data correlates with..., one or more capabilities of the device."

In response, Chern does indeed teach maintaining a set of data that correlates data-references with location (see Abstract), wherein each data reference points to respective data (see [0006] to [0009]), receiving from a device a request for context-based data (see [0051]), determining a current location of the device (also [0027]), querying the set of data to uncover at least one data-reference that the set of data correlates with the current location of the device (see [0027]), acquiring data to which the at least one data-reference points (see [0038]), and sending the acquired data to the device in response to the request (see [0051]), Pines does indeed teach device capability information (see column 26, lines 31-53, see "capabilities", "voice format" and "text format"), determining one or more capabilities of the device (see column 26, lines 31-53, see "capabilities", "voice format" and "text format"), and the one or more capabilities of the device (also see column 26, lines 31-53, see "capabilities", "voice format" and "text format") and the combination of Chern and Pines does indeed teach all

limitation of claims 1 and 12. In addition, applicant's attention is directed to the teaching of Chern and Pines in claims 1 and 12 above.

On pages 9 and 10 of applicant's remarks, applicant argues that the combination of Pines fails to teach a set of data that correlates data references with device capability information.

In response, Pines does indeed teach a set of data that correlates data references with device capability information (see column 26, lines 31-53, see "capabilities", "voice format", "text format" and "be delivered to the subscriber". In addition, applicant's claims 1 and 12 fail to further define what "a set of data" and "data references" are. Furthermore, Pines does indeed teach applicant's claimed limitation with a broadest reasonable interpretation). In addition, applicant's attention is directed to the teaching of Pines in claims 1 and 12 above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2617

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

